

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Howard C. Herrmann, et al.)	Examiner: Cherbi, Suzette Jaime J.
)	
Serial No.: 10/565,142)	Group Art Unit: 3738
)	
Filed: January 19, 2006)	Confirmation No. 9070

For: PERCUTANEOUS HEART VALVE

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This submission is in response to a Restriction Requirement mailed in the above-referenced application on June 5, 2009. Reconsideration of the application and substantive examination is respectfully requested in view of the election set forth herein.

Response to Restriction Requirement commences on page 2.

RESPONSE TO RESTRICTION REQUIREMENT

According to the Restriction Requirement, the examiner has identified two patentably distinct inventions under 35 U.S.C. § 121, as follows:

- Group I. Claims 1-15, drawn to rigid heart valves, classified in class 623, subclass 2.22.
- Group II. Claims 16-24, drawn to methods of implanting a heart valve, classified in class 623, and subclass 904.

In response to the Restriction Requirement, applicant hereby elects without traverse

Group I (which corresponds to claims 1-15) for prosecution on the merits in the present application. Applicants' election is without prejudice to applicants' right to pursue the subject matter of the non-elected subject matter through divisional application(s).

Applicants respectfully submit that the present submission is fully responsive to the Restriction Requirement. Prompt substantive examination of all elected claims is requested.

Respectfully Submitted,



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Date: June 16, 2009

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